REMARKS

In the Office Action dated September 14, 2006, claims 1-19 were rejected under 35 U.S.C. § 103 over Cynthia Hood, "Intelligent Detection for Fault Management of Communication Networks" (1996) (hereinafter "Hood") in view of U.S. Patent No. 6,502,082 (Toyama); and claim 20 was rejected under § 103 over Hood in view of Toyama and U.S. Patent Application Publication No. 2002/0052882 (Taylor).

With respect to independent claim 1, it is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to Hood and Toyama for at least the following reasons: (1) no motivation or suggestion existed to combine the teachings of the references; and (2) the references when combined do not teach or suggest all elements of the claim. *See* M.P.E.P. § 2143 (8th ed., Rev. 5), at 2100-126.

The Office Action conceded that Hood fails to disclose the probabilistic reasoning network to analyze assessments from evaluators according to information indicating reliabilities of the respective evaluators. 9/14/2006 Office Action at 2. However, the Office Action cites Toyama as disclosing the subject matter. *Id.* at 3.

It is respectfully submitted that Toyama does not provide the requisite teaching or suggestion for modifying Hood to achieve the claimed invention. Toyama teaches an automated motion analysis and visual tracking system to track a human head and facial movements by dynamically providing object position estimates, using Bayesian modality fusion techniques. Toyama, 4:30-33. The Bayesian modality fusion system described in Toyama uses a Bayesian network and integrates distinct "modalities" such as motion, color, shape, and edge data. Toyama, 4:36-39. The vision-based tracking system of Toyama tracks objects of a digitized video scene that includes an input sequence of digital images. Toyama, 6:51-54. Toyama notes that the different types of data present in the image sequence, such as color, edge, shape, and motion, are considered different sensing modalities. Toyama, 6:58-60.

The Office Action cited the following passages of Toyama to support the obviousness rejection: column 8, line 52-column 9, line 46; column 2, lines 22-54. The passage cited in columns 8 and 9 refers to reliability indicators for each sensing modality, as well as to a ground-truth reliability. The passage cited in column 2 of Toyama refers to a system for training a Bayesian network to capture probabilistic dependencies between the true state of the object

being tracked and evidence from the tracking modalities. The cited column 2 passage also notes that multiple sensing modalities can be fused to infer the structure of a dynamic model such as a Bayesian network.

The reliability indicators referred to are reliability indicators of sensing modalities, which include data relating to color, edge, shape, and motion associated with an image sequence. The reliability indicators clearly are not reliability indicators of respective evaluators, where each evaluator evaluates at least a subset of all measures collected by measure collectors in accordance with a pre-configured evaluation definition for the respective evaluator to provide an assessment, as recited in claim 1. Therefore, since both Hood and Toyama fail to teach or suggest that the probabilistic reasoning network analyzes assessments from evaluators according to information indicating reliabilities of respective evaluators, the hypothetical combination of Hood and Toyama does not teach or suggest all elements of claim 1. The obviousness rejection is defective for at least this reason.

Moreover, a person of ordinary skill in the art would not have been motivated to combine the teachings of Hood and Toyama. Toyama has nothing to do with a health assessor for assessing health of a target element. In fact, Toyama relates to a vision-based tracking system for tracking a human head or facial expressions. Hood, on the other hand, describes a network monitoring system for detecting faults in the network. There existed absolutely no reason to incorporate components of a vision-based tracking system for tracking the human head or facial expressions (Toyama) into a network monitoring system that monitors for faults in a network (Hood). As held by the Federal Circuit, the teachings of the prior art cannot be modified in the manner proposed by the Examiner unless the prior art suggested the *desirability* of making the modification. *See In re Fritch*, 972 F.2d 1260, 1266, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Here, a person of ordinary skill in the art would clearly not have recognized the desirability of incorporating components of a vision-based tracking system into a network monitoring system.

Therefore, no motivation or suggestion existed to combine the teachings of Hood and Toyama to achieve the claimed invention. In view of the foregoing, it is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 1.

Independent claim 9 was also rejected as being obvious over Hood and Toyama. As conceded by the Office Action, Hood fails to disclose a web interface that transmits the

formatted report to a remote access system by the Internet. 9/14/2006 Office Action at 6. Instead, the Office Action relied upon Toyama as disclosing this feature. *Id.*

The Office Action cited specifically to the following passage of Toyama: column 6, lines 17-44. The cited passage in Toyama describes components of a computer 100, which components include connections to a network, such as the Internet. However, there is no suggestion in this passage of Toyama, or anywhere else in Toyama, of a web interface that transmits a formatted report (that contains a health assessment of a target element) to a remote access system via the Internet. Note that Toyama describes a vision-based tracking system for tracking a human head or facial expressions. Therefore, it would be impossible for Toyama to teach or suggest a web interface that transmits a formatted report containing health assessment of a target element via the Internet. Therefore, since both Hood and Toyama fail to teach or suggest the claimed subject matter, it is respectfully submitted that the hypothetical combination of the references does not teach or suggest all elements of claim 9.

Also, as discussed above, a person of ordinary skill in the art would not have been motivated to combine the teachings of Hood and Toyama. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 9.

Dependent claims are allowable for at least the same reasons as corresponding independent claims.

Moreover, with respect to claim 19, which depends from claim 9, the hypothetical combination of Hood and Toyama fails to disclose or suggest a probabilistic reasoning network that generates the health assessment based on assessments provided by measure evaluators and based on information indicating trustworthiness of the respective measure evaluators.

In view of the allowability of base claim 9 over Hood and Toyama, it is respectfully submitted that the § 103 rejection of dependent claim 20 over Hood, Toyama, and Taylor has also been overcome.

In view of the foregoing, all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (10004117-1).

Respectfully submitted,

Date: Dec. 14, 2006

Dan C. Hu
Registration No. 40,025
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
Telephone: (713) 468-8880
Facsimile: (713) 468-8883